

Order

Michigan Supreme Court
Lansing, Michigan

June 15, 2018

Stephen J. Markman,
Chief Justice

156637

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 156637
COA: 333125
Cass CC: 15-010146-FC

LEON WATSON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the August 22, 2017 judgment of the Court of Appeals is considered. We DIRECT the Cass County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. Specifically, the prosecutor shall address: (1) whether the rape-shield statute, MCL 750.520j, barred evidence of the complainant's sexual activity with two classmates when offered as proof of an alternative cause of the possible scarring observed by the sexual assault nurse examiner, see *People v Shaw*, 315 Mich App 668 (2016); (2) if so, whether that evidence was nevertheless admissible to preserve the defendant's constitutional rights to confrontation and to present a defense, see *People v Hackett*, 421 Mich 338 (1984); and (3) whether the defendant's former appellate counsel rendered constitutionally ineffective assistance by failing to raise these issues in the Court of Appeals.

The application for leave to appeal remains pending.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 15, 2018

Clerk